

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 16-3076, 16-3570

Caption [use short title]

Motion for: Intervenor USW's Motion To Withdraw Its Pending Motion
Requesting Judicial Notice

Novelis Corporation,
 Petitioner-Cross Respondent

. v.

National Labor Relations Board
 Respondent, Cross Petitioner

Set forth below precise, complete statement of relief sought:

Withdrawal of document.

OPPOSING PARTY: Novelis Corporation

OPPOSING ATTORNEY: Robert T. Dumbacher, Esquire

Hunton & Williams LLP; Bank of America Plaza, Suite 4100
 600 Peachtree St., NE, Atlanta, GA 30308
 404-888-4000; RDumbacher@hunton.com

MOVING PARTY: Intervenor USW

☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: Employee Intervenors John Tesoriero,
Michael Malone, Richard Farrands & Andrew Duschen

MOVING ATTORNEY: Richard J. Brean

[name of attorney, with firm, address, phone number and e-mail]

United Steelworkers Legal Department
 60 Boulevard of the Allies, Room 807, Pittsburgh, PA 15222-1214
 412-562-2530; rbrean@usw.org

OPPOSING ATTORNEY: Thomas G. Eron, Esquire

Bond, Schoeneck & King, PLLC, One Lincoln Center
Syracuse, New York, 13202-1355
315-218-8000; Teron@bsk.com

Court-Judge/Agency appealed from: National Labor Relations Board, 364 NLRB No. 101 (2016)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain):

Opposing counsel's position on motion:

☒ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☒ No ☐ Don't Know

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes ☒ No If yes, enter date:

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
 INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

s/Richard J. Brean

Date: April 20, 2017

Service by:

☒ CM/ECF

☐ Other [Attach proof of service]

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

NOVELIS CORPORATION,)	
)	
Petitioner/Cross Respondent,)	
JOHN TESORIERO, MICHAEL MALONE,)	
RICHARD FARRANDS, AND ANDREW)	
DUSCHEN,)	Case No. 16-3076
)	
Intervenors,)	Case No. 16-3570
)	
v.)	
)	
THE NATIONAL LABOR RELATIONS)	
BOARD,)	
)	
Respondent/Cross Petitioner,)	
)	
UNITED STEEL, PAPER AND)	
FORESTRY, RUBBER,)	
MANUFACTURING, ENGERGY, ALLIED)	
INDUSTRIAL AND SERVICE WORKERS)	
INTERNATIONAL UNION, AFL-CIO,)	
CLC,)	
)	
Intervenor.)	

**INTERVENOR USW’S MOTION TO WITHDRAW ITS
PENDING MOTION REQUESTING JUDICIAL NOTICE**

Pursuant to Federal Rule of Appellate Procedure 27 and Local Rule 27.1, Intervenor United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union, AFL-CIO, CLC, “USW”, moves to withdraw its pending Motion Requesting Judicial Notice. The basis for this withdrawal is that USW is withdrawing the unfair labor practice charge in Case 03-CA-6193649, as to the filing of which judicial notice was sought, after

being informed on April 19, 2017, by Region 3 of the NLRB that it will not be issuing complaint upon the charge and would dismiss the charge absent withdrawal.

Respectfully submitted,

Dated: April 20, 2017

s/ Richard J. Brean

Richard J. Brean
Daniel M. Kovalik
Anthony P. Resnick
United Steelworkers Legal Department
60 Boulevard of the Allies, Room 807
Pittsburgh, PA 15222-1214
Telephone: 412-562-2530
Facsimile: 412-562-2574
rbrean@usw.org
dkovalik@usw.org
aresnick@usw.org

Brian J. LaClair
Kenneth L. Wagner
Blitman & King, LLP
Franklin Center, Suite 300
443 North Franklin Street
Syracuse NY 13201
Telephone: 315-671-3262
Facsimile: 315-471-2623
bjlaclair@bklawyers.com
klwagner@bklawyers.com

*Counsel for Intervenor United Steel, Paper
and Forestry, Rubber, Manufacturing,
Energy, Allied Industrial and Service
Workers International Union, AFL-CIO,
CLC*

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2017, I electronically filed the foregoing Intervenor's USW's Motion To Withdraw Its Pending Motion Requesting Judicial Notice with Clerk of the Court for the United States Court of Appeals for the Second Circuit by using the CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated at Pittsburgh, PA
this 20th day of April, 2017

s/ Richard J. Brean
Richard J. Brean
General Counsel
United Steel, Paper and Forestry,
Rubber, Manufacturing, Energy,
Allied Industrial & Service Workers
International Union, AFL-CIO, CLC
60 Boulevard of the Allies, Room 807
Pittsburgh, PA 15222-1214